GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services-Revenue Department-Allegation of corruption against Sri N. Sunkanna, former Deputy Tahsildar, Civil Supplies, O/o the District Supply Officer, Kurnool now (Retired) – ACB registered trap case - Prosecution- Special Judge for A.C.B cases Hyderabad in its orders dated 06.01.2006 in CC 5/1995 convicted the A.O- Appeal filed by the A.O in the Hon'ble High Court in Crl. Appeal No 65/2006 – Confirmed the trial court orders – A.O filed second appeal in the Hon'ble Supreme Court of India in Criminal Appeal No 1355/2015 (Arising out of SLP (Crl.) No. 2958 of 2011) – Hon'ble Supreme Court delivered the judgment on 14.10.2015 acquitting the AO – Further action dropped and regularized the suspension period from 14.10.1993 to 07.12.1995 – Orders – Issued.

==========

REVENUE (VIGILANCE.III.2) DEPARTMENT

G.O.Rt.No.656 **Dated: 18.06.2016**
Read the following:-

1) Representation of Sri N. Sunkanna, Deputy Tahsildar (Retd) dt.10-07-2016 along with the orders of Hon'ble Supreme Court of India in C. No 1335 of 2015 (Arising out of SLP (Crl.) No. 2958 of 2011) dated 14.10.2015.
2) Govt. Memo No 129908/Vig.III.2/2016 dated 01.12.2016.
3) From DG, ACB, Lr.No. 99/RCT-KUR/1993, dated. 11.03.2016

# # #

ORDER:

Whereas, the Director General, Anti Corruption Bureau has informed that Sri N. Sunkanna, former Deputy Tahsildar, Civil Supplies, O/o the District Supply Officer, Kurnool (now Retired) was trapped on 20-9-1993 when they demanded and accepted a bribe amount of Rs. 300/- from the complainant Sri K. Sudhakar Reddy, for doing official favour. The Director General, Anti-Corruption Bureau, has recommended for Prosecution of the Accused Officers in a Court of Law. Accordingly orders for issued to prosecute the Accused Officer in the Court of Law.

2) And whereas, the Additional Special Judge for SPE & Anti-Corruption Bureau cases, Hyderabad in its orders dated 06.01.2006 in CC 5/1995 has convicted Sri N. Sunkanna, former Deputy Tahsildar, Civil Supplies, O/o the District Supply Officer, Kurnool (now Retired). Aggrieved by the orders of Anti-Corruption Bureau court the Accused Officer, the filed criminal appeal in the Hon'ble High court in CRL. Appeal No 65/2006 and the High Court in its orders dated 02.07.2010 has dismissed the appeal and confirmed the trial court orders. Sri N. Sunkanna, former Deputy Tahsildar, Civil Supplies, O/o the District Supply Officer, Kurnool (now Retired) has filed second Appeal in the Hon'ble Supreme Court on India and the Hon'ble Supreme Court in its orders dated. 14.10.2015 in Criminal appeal No. 1335 of 2015 (Arising out of SLP (Crl.) No. 2958 of 2011) among others has ordered as follows:

> " The prosecution examined the other fair price shop dealers in Kurnool as PWs 3,4 and 6 to prove that the accused was receiving monthly mamools from them. PWs 4 and 6 did not state so and they were declared hostile. PW-3 though in the examination-in-chief stated so, in the cross-examination turned round and stated that the accused never asked any monthly mamool and he did not pay Rs.50/- at any time. The prosecution has not examined any other witness present at the time when the money was demanded by the accused and also when the money was allegedly handed-over to the accused by the complainant. The complainant himself had disowned his complaint and has turned hostile and there is no other evidence to prove that the accused had made any demand. In short there is no proof of the demand allegedly made by the accused. The only other material available is the recovery of the tainted currency notes from the possession of the accused. The possession is also admitted by the accused. It is settled law that mere possession and recovery of the currency notes from the accused without proof of demand will not bring home the offence under Section 7, since demand of illegal gratification is sine-qua-non to constitute the said offence. The above also will be conclusive insofar as the offence under Section 13(1)(d) is concerned as in the absence of any proof of

(P.T.O)

demand for illegal gratification the use of corrupt or illegal means or abuse of position as a public servant to obtain any valuable thing or pecuniary advantage cannot be held to be established. It is only on proof of acceptance of illegal gratification that presumption can be drawn under Section 20 of the Act that such gratification was received for doing or forbearing to do any official act. Unless there is proof of demand of illegal gratification proof of acceptance will not follow. Reference may be made to the two decisions of three-Judge Bench of this Court in **B.Jayaraj** vs. **State of Andrha Pradesh** [(2014)] 13 SCC 55] and **P.Satyanarayana Murthy** vs. **The District Inspector of Police and another** [2015 (9) SCALE 724].

In the preset case the primary facts on the basis of which the legal presumption under Section 20- can be drawn are wholly absent. The judgments of the Courts below are, therefore, liable to be set aside. For the aforesaid reasons the appeal is allowed and the conviction of the appellant under section 7 and under Section 13(1)(d) read with Section 13(2) of the Act and the sentences imposed are set aside and he is acquitted of the charges. The bail bond, if any, furnished by the appellant be release".

3. In the reference 1st read above, Sri N. Sunkanna, former Deputy Tahsildar, Civil Supplies, O/o the District Supply Officer, Kurnool (now Retired) made representation to the Government requesting for release of pensionary benefits and regularization of suspension period from 14.10.1993 to 07.12.1995.

4. In the reference 3rd read above, Government while sending the representation of Sri N. Sunkanna, former Deputy Tahsildar, Civil Supplies, O/o the District Supply Officer, Kurnool (now Retired) along the orders of Hon'ble Supreme Court dated. 14.10.2015 in Criminal appeal No. 1335 of 2015 (Arising out of SLP (Crl.) No. 2958 of 2011) has requested the Director General, Anti-Corruption Bureau, to offer his remarks. In the reference 4th read above, the Director General, Anti-Corruption Bureau, while narrating the above facts has requested to Government to take necessary action on the Orders of Hon'ble Supreme Court of India.

5. Government after careful examination of the matter have observed that the Hon'ble Supreme Court of India in its orders dated. 14.10.2015 in Criminal appeal No. 1335 of 2015 (Arising out of SLP (Crl.) No. 2958 of 2011) has acquitted Sri N. Sunkanna, former Deputy Tahsildar, Civil Supplies, O/o the District Supply Officer, Kurnool (now Retired) on merits. Therefore Government have decided to implement the orders of Hon'ble Supreme Court of India, drop further action against Sri N. Sunkanna, former Deputy Tahsildar, Civil Supplies, O/o the District Supply Officer, Kurnool (now Retired) and regularize the suspension period from 14.10.1993 to 07.12.1995 as **'ON DUTY'** as per **FR 54-B(4)/54-A(3).**

6. Accordingly, Government hereby order to implement the orders of Hon'ble Supreme Court of India, drop further action against Sri N. Sunkanna, former Deputy Tahsildar, Civil Supplies, O/o the District Supply Officer, Kurnool (now Retired) and regularize the suspension period from 14.10.1993 to 07.12.1995 as **'ON DUTY'** as per **FR 54-B(4)/54-A(3).**

7. The Chief Commissioner of Land Administration, AP, Hyderabad/ The District Collector Kurnool is requested to take necessary action to release pension and pensionary benefits to Sri N. Sunkanna, former Deputy Tahsildar, Civil Supplies, O/o the District Supply Officer, Kurnool (now Retired) .

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.C. SHARMA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri N. Sunkanna, former Deputy Tahsildar, Civil Supplies,O/o the District Supply Officer, Kurnool (now Retired) **through** District Collector Kurnool.
The Collector & District Magistrate, Kurnool with a request to serve the G.O. on the individual and send the served copy with dated signature to the Government for record)

(Contd.. P.3)

The Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad.
Copy to:-
The Director General, Anti-Corruption Bureau, Andhra Pradesh, Hyderabad.
The Secretary to Vigilance Commissioner Andhra Pradesh Secretariat, Hyderabad.
The file

//FORWARDED :: BY ORDER//

SECTION OFFICER